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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JAMMIN' JAVA CORP., dba MARLEY
COFFEE, SHANE G. WHITTLE,
WAYNE S. P. WEAVER, MICHAEL K.
SUN, RENE BERLINGER, STEPHEN B.
WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

Defendants.

Case No. 2:15-CV-08921-SVW-MRW

**DECLARATION OF
TIMOTHY S. LEIMAN IN SUPPORT
OF MOTION FOR INJUNCTIVE AND
MONETARY RELIEF- AND
ATTACHED EXHIBITS**

Hearing Date: August 28, 2017, 1:30 PM
Hon. Stephen V. Wilson
Courtroom 10A

1 I, Timothy S. Leiman, declare pursuant to 28 U.S.C. § 1746, that
2 the following is true and correct, that this declaration is made on my
3 personal knowledge, and that I am competent to testify as to the
4 matters stated below:

5 1. I am employed as Senior Trial Counsel in the Division of
6 Enforcement of the United States Securities and Exchange Commission
7 (the “Commission” or the “SEC”) in its regional office in Chicago, Illinois. I
8 am lead counsel for the SEC in this litigation.

9 2. I am an attorney in good standing admitted to practice by the
10 State of Illinois and admitted *pro hac vice* in this action. I make this
11 declaration in support of the SEC’s Motion for Injunctive and Monetary
12 Relief Against Defendant Wayne Weaver (“Weaver”). I have personal
13 knowledge of the following facts.

14 3. The following are true and correct copies of documents as they
15 were obtained by the SEC in the investigation and litigation of this
16 matter. They are submitted in support of the SEC’s Motion for Injunctive
17 and Monetary Relief against Defendant Wayne Weaver. In a
18 contemporaneously filed Memorandum in Support of the SEC’s Motion for
19 Injunctive and Monetary Relief, the SEC will cite to these documents as
20 “SEC Rem. Ex.__.”

21 4. Attached as **SEC Rem. Exhibit 1** is a true and correct copy of
22 a July 10, 2017 declaration by SEC Senior Accountant R. Kevin Barrett
23 and related summary exhibits.

24 5. Attached as **SEC Rem. Exhibit 2** is a true and correct
25 copy of excerpts from the transcript of the February 7, 2017 deposition of
26 Rene Berlinger in this case.

27 6. Attached as **SEC Rem. Exhibit 3** is a true and correct
28 copy of a November 26, 2015 e-mail chain between “John Combray,” and

1 Defendant Rene Berlinger. This document was produced in this litigation
2 by Mr. Berlinger in response to document requests and was produced with
3 the bates numbers BER00001182 through BER00001187. The document
4 was authenticated by Mr. Berlinger at his February 7, 2017 deposition.
5 (SEC Rem. Ex. 2, Berlinger Tr. at 152-153.)

6 7. Attached as **SEC Rem. Exhibit 4** is a true and correct copy of
7 a proposed final judgment against Defendant Wayne Weaver which the
8 SEC also will submit to the Court through the ECF portal for proposed
9 orders.

10 I declare under penalty of perjury that the foregoing is true and
11 correct.

12 Executed July 10, 2017, at Chicago, Illinois.

13
14 *s/Timothy S. Leiman*
15 Timothy S. Leiman
16 Senior Trial Counsel
17 U.S. Securities and Exchange Commission
18 (*Attorney for the Plaintiff*)
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